IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 559-CAT of 2007

Date of Decision : 16.01.2007

Union of India ... Petitioner

Versus

Amarjit Singh and others. .. Respondents

CORAM : HON'BLE MR. JUSTICE J.S. KHEHAR,
HON'BLE MR. JUSTICE S.D. ANAND.

Present : Mr. Puneet Jindal, Advocate,
for the petitioner.

J.S. Khehar, J. (Oral)

Through the instant writ petition, the petitioner has impugned the order dated 14.08.2006, whereby the Central Administrative Tribunal, Chandigarh Bench, Chandigarh, while allowing the Original Application No. 450-PB of 2004 on 14.08.2006 has required, that the pay of the private respondents be fixed at the rate of the last pay drawn by them in Group `C' post held by them immediately before their reversion/repatriation to Group `D' service. Having heard learned counsel for the petitioner and perused the order passed by the Administrative Tribunal, we are satisfied that the aforesaid determination has been rendered by the Administrative Tribunal in view of the observations recorded in paragraph No. 16 of the judgment rendered by the Apex Court in Badri Prasad versus Union of India and others, AIR 2005, S.C. 2531, wherein paragraph No.16, which was relied upon by the Tribunal, the Apex Court held as under:-

"16. Without disturbing, therefore, orders of the Tribunal and the High Court the appellants are held entitled to the following

additional reliefs. The pay last drawn by them in group `C' post shall be protected even after their repatriation to group `D' post in their parent department. They shall be considered in their turn for promotion to group `C' post. The period of service spent by them on ad hoc basis in group `C' post shall be given due weightage and counted towards length of requisite service, it any, prescribed for higher post in group `C'. If there is any bar of age that shall be relaxed in the case of the appellants."

Since the order passed by the Tribunal is based squarely on the determination rendered by the Apex Court in Badri Prashad's case (supra), we find no infirmity in the same.

Dismissed.

(J.S. Khehar)
Judge

January 16, 2007
vkd

(S.D. Anand)
Judge